

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200221454

December 27, 2002

PUBLIC NOTICE

Paul Milam, 1 Windrock Way, Greensboro, NC, 27455, has applied for a Department of the Army (DA) permit TO PLACE FILL MATERIAL INTO 0.04 ACRE OF WETLAND AND 738 LINEAR FEET OF UNNAMED TRIBUTARIES TO THE HAW RIVER, IN THE CAPE FEAR RIVER BASIN, ASSOCIATED WITH THE CONSTRUCTION OF 5 ROAD CROSSINGS FOR THE HENSON FOREST SUBDIVISION, LOCATED IN SUMMERFIELD, GUILFORD COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed construction of the Henson Forest Subdivision on 248 acres of land located on the north side of NC 150, approximately 1.5 miles west of US 220, in Summerfield, Guilford County, North Carolina. Development of the site will result in the placement of culverts and fill material into several unnamed tributaries of the Haw River, for the construction of five road crossings needed to access high ground on the property. This portion of the project, identified as phases III and IV in the plans, will expand upon existing phases of the development. Two road crossings required during earlier phases of the project, with impacts totaling 262 linear feet of stream channel, were previously approved by nationwide permit. The cumulative impact to waters of the U.S., including all phases of the development, will total 1,774 square feet of wetland (0.04 acre), and 1,000 linear feet of stream channel, of which 778 linear feet exhibits important aquatic function(s).

Construction of the road crossings will require the mechanized clearing of vegetation from the banks of the streams, excavation within the stream to provide the proper grade, followed by installation of the culverts, and the placement of the fill material road surfaces. Riprap will be placed on geotextile fabric at the inlet and outlet of the culverts to prevent erosion, with the stream impacts listed in this public notice including those areas that will receive riprap. Following road construction, the site will be cleared and graded in preparation for the construction of 139 single-family residences. The applicant proposes to mitigate for impacts to stream channels and wetlands associated with all phases of the project by providing payment into the North Carolina Wetlands Restoration Program for the restoration of 700 linear feet of stream channel. In addition, the applicant also proposes to preserve all remaining wetlands and stream channels on the property by conservation easement. The preservation area will include 14,027 linear feet of stream channel and riparian buffer (measuring 50 feet in width on each side of the channel), and 9.25 acres of wetland. The purpose of the work is to provide for the residential development of the site. Plans showing the work are included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the

preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

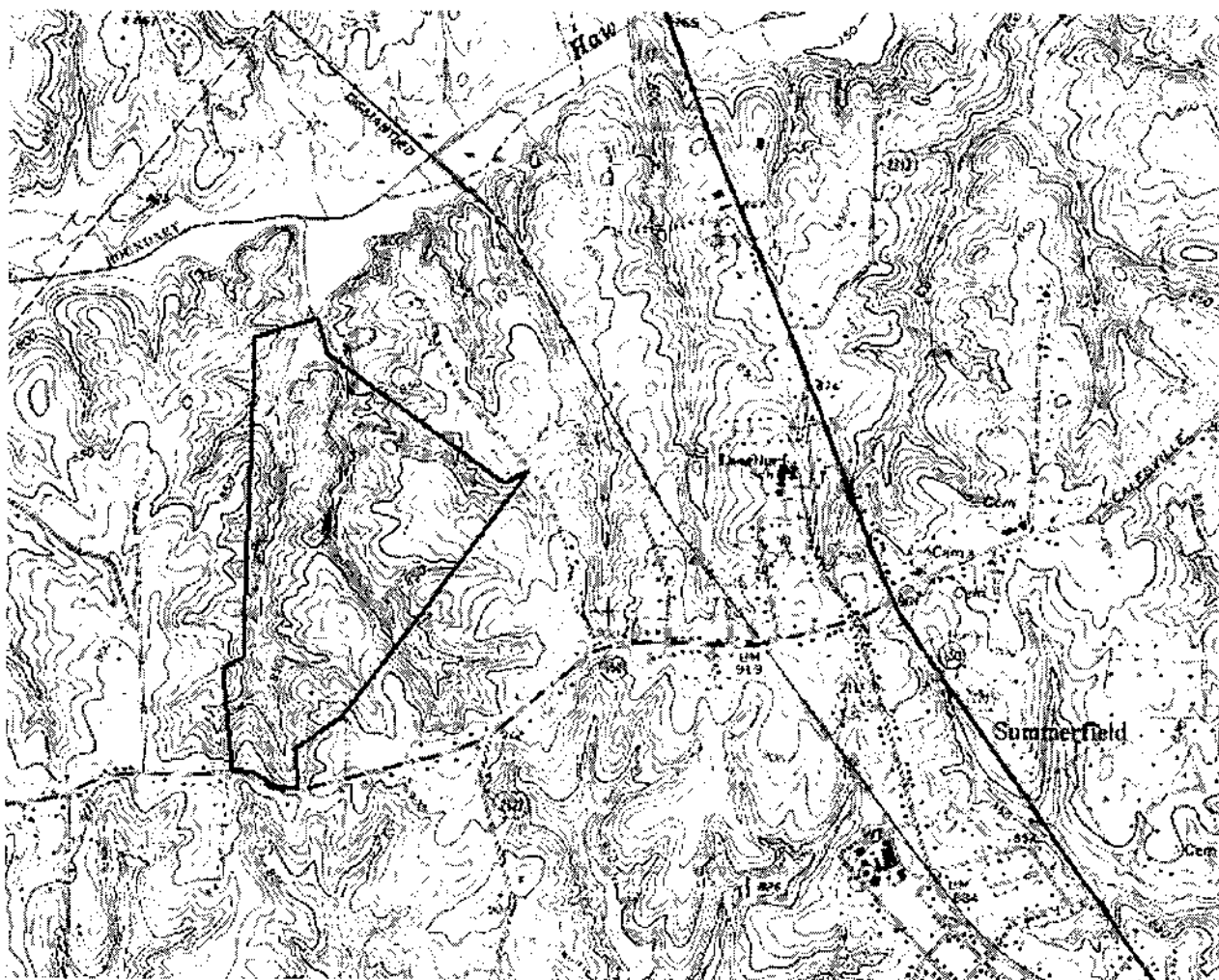
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit modification will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

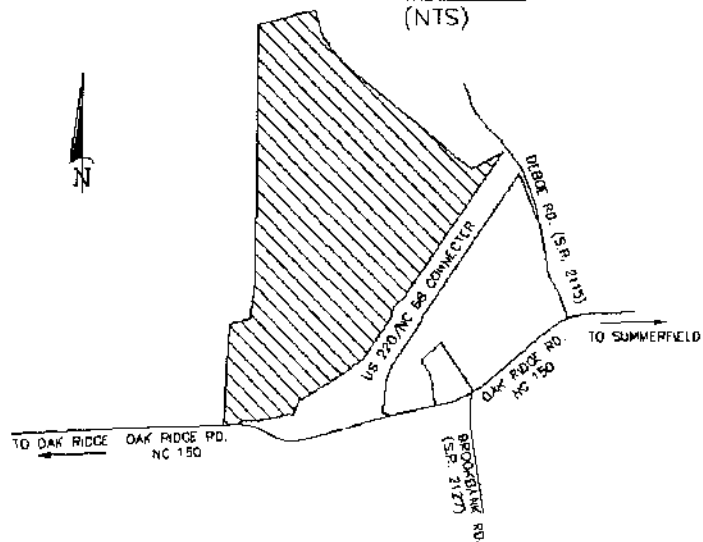
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before January 17, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Todd Tugwell, until 4:15 p.m., January 27, 2003, or telephone (919) 876-8441, extension 26.



LOCATION MAP
(NTS)



SUMMERFIELD, N.C.

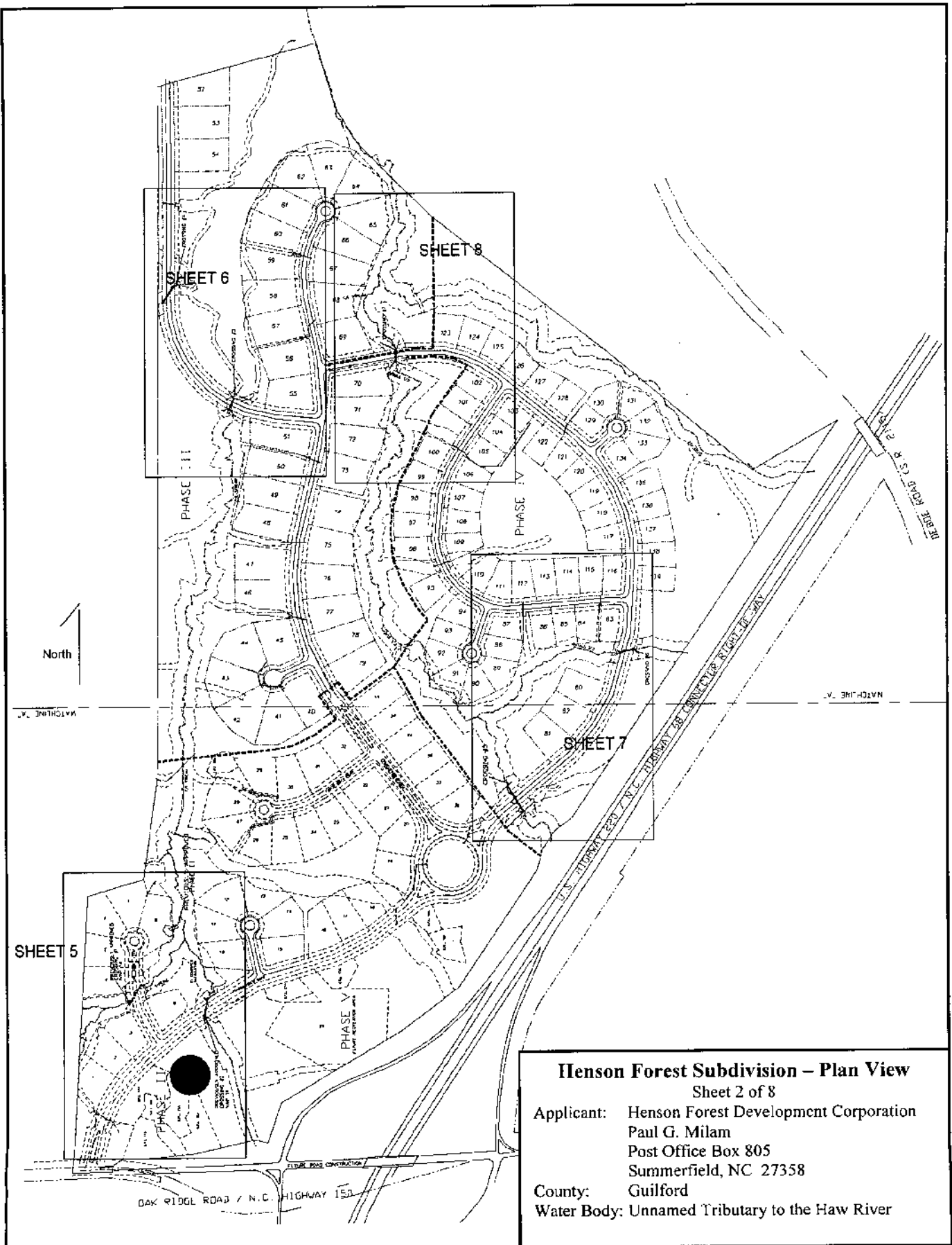
Henson Forest Subdivision - Location Map

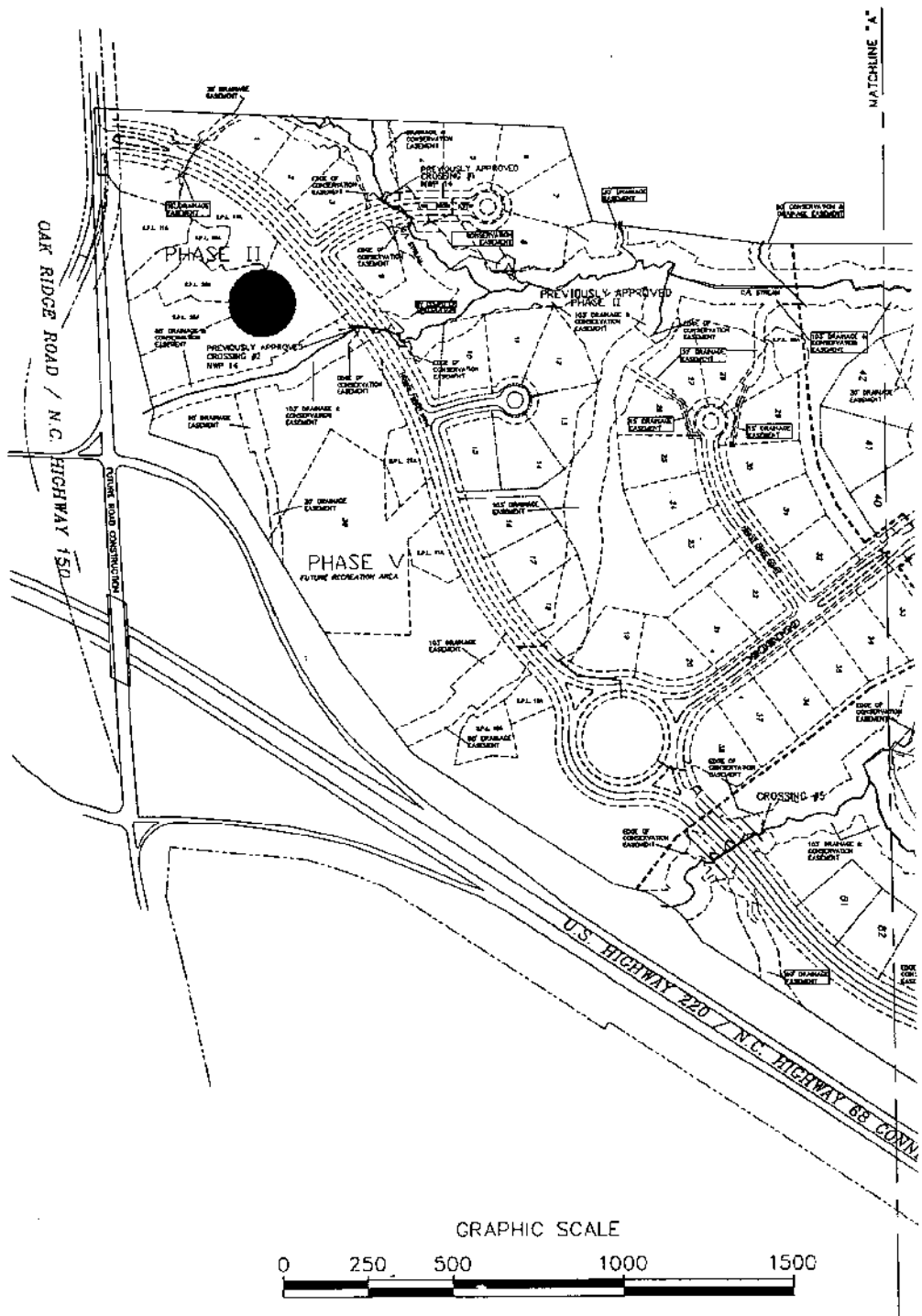
Sheet 1 of 8

Applicant: Henson Forest Development Corporation
Paul G. Milam
Post Office Box 805
Summerfield, NC 27358

County: Guilford

Water Body: Unnamed Tributary to the Haw River





GRAPHIC SCALE



Henson Forest Subdivision – Plan View

Sheet 3 of 8

Applicant: Henson Forest Development Corporation

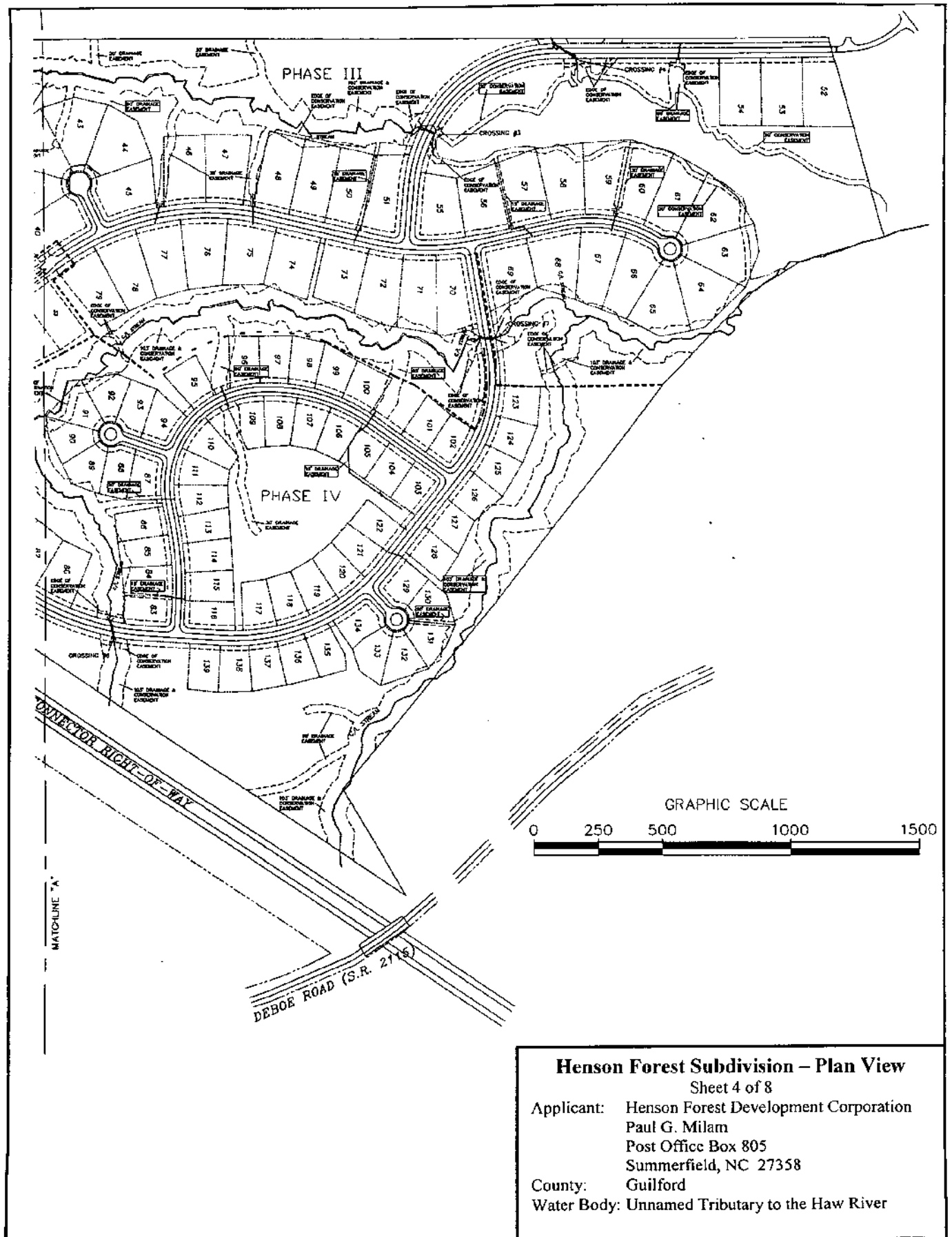
Paul G. Milam

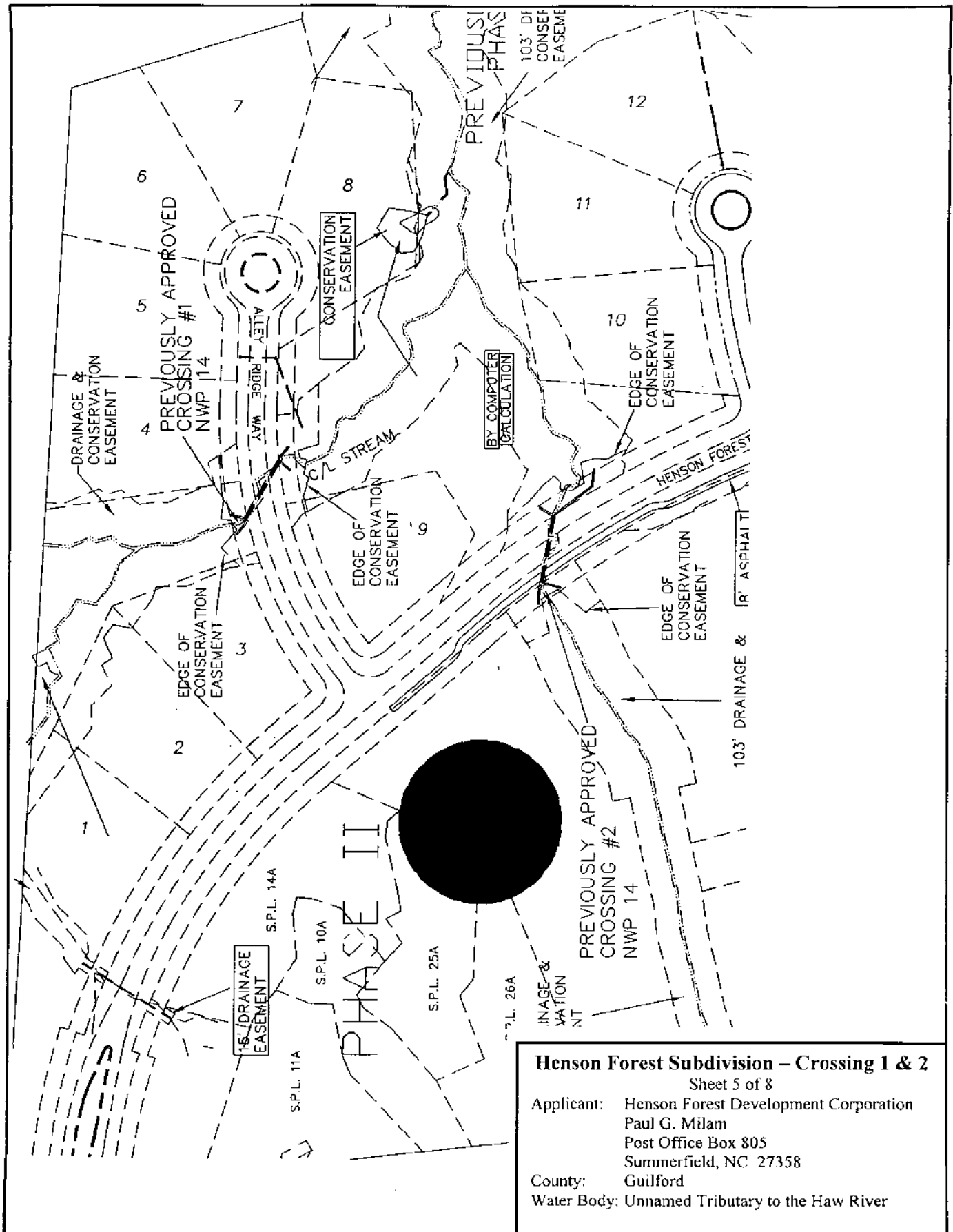
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Henson Forest Subdivision – Crossing 1 & 2

Sheet 5 of 8

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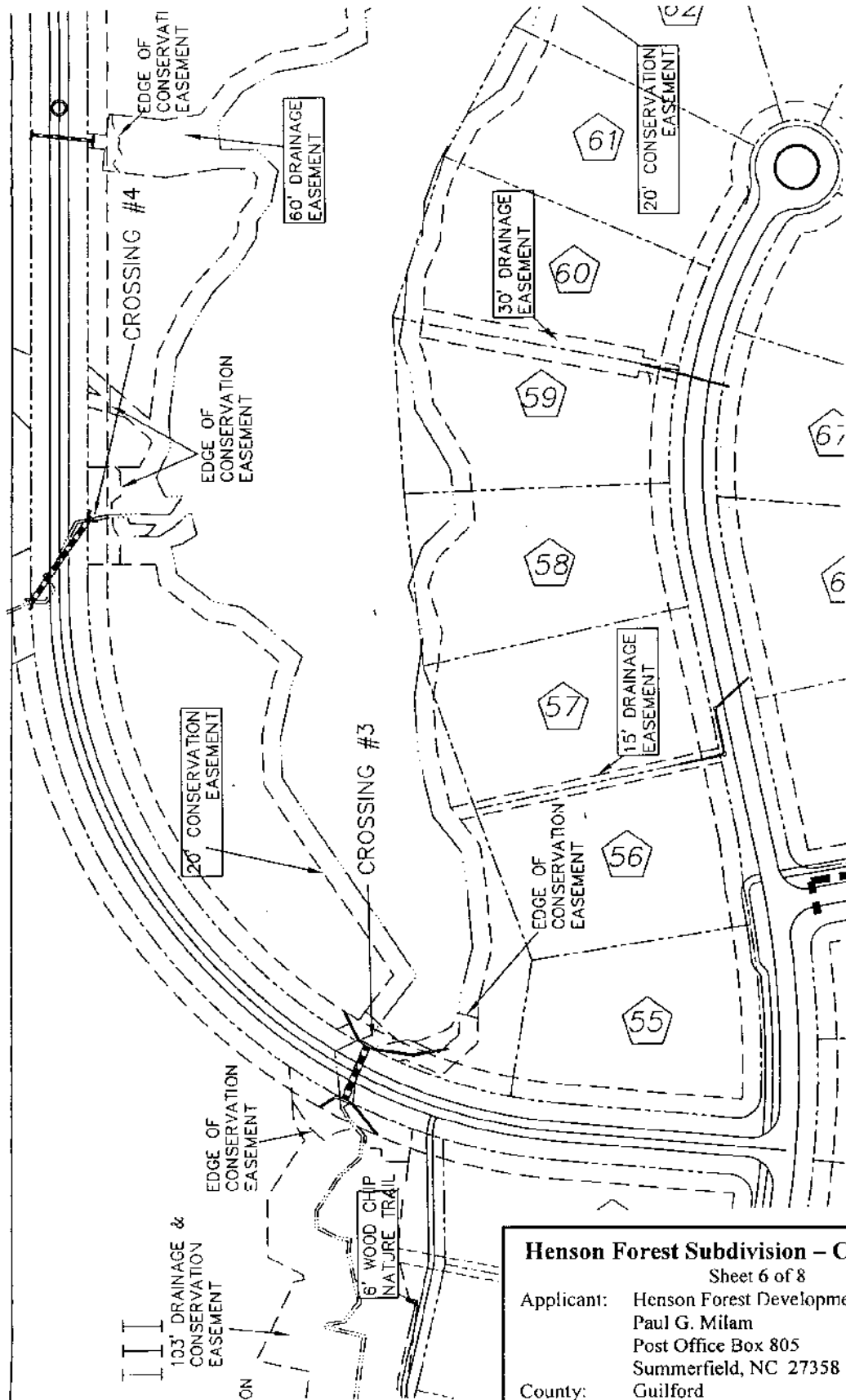
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Henson Forest Subdivision – Crossing 3 & 4

Sheet 6 of 8

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